

REMARKS

Applicants thank the Examiner for the courtesy extended to Applicants' attorney during the interview held March 23, 2004, in the above-identified application. During the interview, Applicants' attorney explained the presently-claimed invention and why it is patentable over the applied prior art, and discussed other issues raised in the Office action. The discussion is summarized and expanded upon below.

The rejections of Claims 1-11, 25-28, 30 and 36 under 35 U.S.C. § 102(b) as anticipated by, and Claims 19 and 34-35 under 35 U.S.C. § 103(a) as unpatentable over, WO 93/09948 (Ageheim et al), are respectfully traversed. The Examiner's rationale is that the scope of the rejected claims does not limit the entire barrier material to one having a solubility parameter greater than 11. In reply, the present claims now require this. Ageheim et al neither discloses nor suggests their barrier layer *per se* as having a solubility parameter greater than 11. Accordingly, it is respectfully requested that these rejections be withdrawn.

The rejections under 35 U.S.C. § 103(a) of Claims 15 and 23-24 over Ageheim et al in view of U.S. 6,033,749 (Hata et al), and of Claim 22 of Ageheim et al in view of U.S. 6,357,617 (Kido), are respectfully traversed. Neither Hata et al nor Kido remedy any of the above-discussed deficiencies in Ageheim et al. Accordingly, it is respectfully requested that these rejections be withdrawn.

The rejection of claims under 35 U.S.C. § 102(b) as anticipated by, independently, U.S. 5,234,670 (Berteaud et al), U.S. 5,639,560 (Moens et al), and EP 0 339 742 A2 (George), are respectfully traversed. All of the presently-pending claims contain the limitations of at least Claim 27, not subject to these rejections. Accordingly, it is respectfully requested that they be withdrawn.

The rejection of Claims 10, 27-28, 31, and 34-36 under 35 U.S.C. § 102(b) as anticipated by JP 53-196873A (Nakanishi et al), is respectfully traversed.¹ Nakanishi et al discloses a multi-layer coating method using thermoplastic resins, wherein a substrate is coated with a first coating from one kind of thermoplastic resin powder selected from the group comprised of polyethylene, EVA, modified polyethylene, polyethylene foam, and modified polypropylene by a fluidized-bed coating method, an electrostatic coating method, or a smearing method, followed by a second coating thereon from at least one kind of thermoplastic resin powder selected from the group comprised of polyethylene, modified polyethylene, polypropylene, modified polypropylene, cellulose acetate butyrate, and polyamide, wherein the substrate is selected from a group comprised of metal, ceramic and glass (paragraph bridging pages 3 and 4). Nakanishi et al lists a modified polyethylene-saponified EVA combination and a polyethylene foam-saponified EVA combination (page 5, lines 4 and 6). However, Nakanishi et al neither disclose nor suggest the presently-recited EVOH copolymer, and particularly one having the recited ethylene content. Nor, for new Claim 37 herein, does Nakanishi et al disclose or suggest a product that does not contain a metal, ceramic, or glass substrate.

For all the above reasons, it is respectfully requested that the rejection over Nakanishi et al be withdrawn.

The rejection of Claims 10-11, 19, 25-29, 31-32 and 34-36 under the judicially created doctrine of obviousness-type double patenting over Claims 1 and 13-23 of U.S. 6,398,059 (patent), and the provisional rejection of Claims 10-11, 15, 19, 26-32 and 34-36 under the judicially created doctrine of obviousness-type double patenting over Claims 1-15 of copending application no. 09/817,029 (copending application), are respectfully traversed.

Submitted herewith is a terminal disclaimer over the patent and the copending application.

¹ Applicants' counsel acknowledges with thanks receipt of an English language translation of Nakanishi et al at the above-referenced interview. Any discussion in the text with regard to Nakanishi et al is with respect to the English translation.

Accordingly, it is respectfully requested that this rejection and provisional rejection be withdrawn.

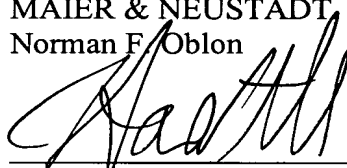
The rejection of Claims 10-11, 15, 19 and 22-36 under 35 U.S.C. § 112, second paragraph, is respectfully traversed. Indeed, the rejection is now moot in view of the above-discussed amendment. Accordingly, it is respectfully requested that it be withdrawn.

The objection to Claims 10, 27 and 31-33 are now moot in view of the above-discussed amendment. Accordingly, it is respectfully requested that it be withdrawn.

All of the presently-pending claims in this application are now believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Respectfully submitted,

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